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Of Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DISTRICT

JOHN DOE;

Case No. 6:17-CV-01103-MK

Plaintiff,

**STIPULATION AND ORDER
REGARDING HOFFMAN'S
ATTORNEY FEES**

v.

UNIVERSITY OF OREGON;

Defendant.

Plaintiff is seeking to recover attorney fees and costs (including expert fees) incurred outside of this litigation ("Hoffman's Attorney Fees") as damages in this case. The University disputes whether Plaintiff is entitled to recover Hoffman's Attorney Fees as damages in this case and will be filing a dispositive motion challenging Plaintiff's entitlement to those damages. If it is determined that Plaintiff is entitled to recover Hoffman's Attorney Fees in this case, then the University will challenge the reasonableness of Hoffman's Attorney Fees along with specific objections to particular time entries and hourly rates for Hoffman's Attorney Fees that it contends are not reasonable.

In an effort to streamline discovery prior to the arbitrator's ruling on the University's dispositive motion, the parties stipulate that the fact and expert discovery deadlines currently set in this case will not apply to discovery focused on the reasonableness of Hoffman's Attorney Fees. At the arbitration, to the extent the matter was not decided as part of the University's dispositive motion, the arbitrator will determine whether Plaintiff is entitled to recover Hoffman's Attorney Fees but will not decide on the amount, if any, that Plaintiff may recover. If recoverable in Plaintiff's breach of contract claim and/or negligence claim then, for the purpose of the parties' arbitration under the Partial Settlement Agreement (Dkt #60) Hoffman's Attorney Fees will be deemed to be *prima facie* sufficient proof of damages incurred by Plaintiff.

The parties further stipulate that, to the extent Plaintiff is entitled to recover at least some of Hoffman's Attorney Fees, the arbitrator will decide the amount of Hoffman's Attorney Fees that Plaintiff can recover, if any, pursuant to FRCP 54 with the exception that the parties together with the arbitrator will address the timing of the required motion, any further fact discovery or expert discovery related to Hoffman's Attorney Fees, and the extent to which the arbitrator must provide written findings to support an award of Hoffman's Attorney Fees as damages in this case.

IT IS SO STIPULATED:

HERSHNER HUNTER, LLP

By /s/ Amanda M. Walkup
Amanda M. Walkup, OSB 934508
Of Attorneys for Defendant

LANDYE BENNETT BLUMSTEIN LLP

By /s/ Richard S. Yugler
Richard S. Yugler, OSB 804167
Of Attorneys for Plaintiff

IT IS SO ORDERED.

DATED: March 5, 2020.


Mustafa T. Kasubhai, U.S. District Court Magistrate Judge